

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER CHARLES CLARK,
Plaintiff,
v.
FIDEL GUTIERREZ, et al.,
Defendants.

Case No. 1:21-cv-01386-AWI-EPG (PC)

ORDER RE: PLAINTIFF'S FILING DATED
SEPTEMBER 8, 2022

(ECF No. 24)

Christopher Charles Clark ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action filed pursuant to 42 U.S.C. § 1983, which includes state law claims.

On October 20, 2022, Plaintiff filed a document dated September 8, 2022. (ECF No. 24). Plaintiff states that he has moved, and so he has no way of identifying the two John Doe defendants. Plaintiff states that his twenty-eight-year-old son recently died, and Plaintiff will be going home in the next 6 to 9 months. Plaintiff asks the Court to move the case along without the two John Doe defendants.

The Court offers its condolences to Plaintiff on the loss of his son.

As to Plaintiff's request, it will be denied, without prejudice, because this case is already proceeding. On October 11, 2022, the California Department of Corrections and Rehabilitation filed a notice of intent to waive service on behalf of the named defendants, and the waiver of service is due within thirty days of October 11, 2022. (ECF Nos. 19 & 24). As to the identity of

1 the unnamed defendants, the Court will, in due course, open discovery, which will allow Plaintiff
2 to seek records or other information to identify these defendants.

3 If Plaintiff wants to dismiss John Doe defendants, Plaintiff may file a notice or stipulation
4 of voluntarily dismissal pursuant to Federal Rule of Civil Procedure 41(a). If Plaintiff files such a
5 notice or stipulation, Plaintiff should identify with specify the defendants he is voluntarily
6 dismissing.

7 Based on the foregoing, IT IS ORDERED that Plaintiff's request to move the case along
8 without the two John Doe defendants is DENIED, without prejudice.

9
10 IT IS SO ORDERED.

11 Dated: October 24, 2022

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE